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ART for the people is a positive

The Law Council of Australia has today told the Parliamentary Committee reviewing the Bills that would establish the Administrative Review Tribunal (ART), that while it recommends some refinements, the legislation should be passed without delay.

“Australia’s administrative review system provides a critical layer of accountability that protects individuals against the unfair and arbitrary use of public power, ensures public confidence in government, and enables informed and accessible participation in legal processes.” Law Council of Australia President, Mr Greg McIntyre SC said.

“We support the planned transition to the Administrative Review Tribunal and the historic and highly significant reforms to Australia’s administrative review system that these Bills will achieve.

“Overall, it is clear to us that the Bills represent an improvement to the current regime, and are likely to promote greater integrity, accessibility, consistency, flexibility, and transparency in our administrative law framework.

“The Law Council welcomes many of the key features of the Bills, particularly those aimed at ensuring the ART can fairly and justly manage its caseload and has a simple and merit-based membership structure.

“Since making our [submission](#) to the inquiry on the Administrative Review Tribunal Bills 2023, a variety of amendments have been passed by the House of Representatives and some of these address key concerns raised by the Law Council.

“For example, that the operation of the ART Act and consequential legislation will be reviewed after five years; that the Minister must establish assessment panels when appointing members; and a requirement that the Department of Home Affairs must provide an applicant with access to written material if requested prior to a review of a migration or protection decision.

“When speaking to the Senate Legal and Constitutional Affairs Legislation Committee today, we did recommend further amendments. These include a fairer and more efficient process for reviews of migration and protection decisions, including with respect to application timeframes and extensions; a default no-costs provision with provision for costs to be awarded on an exceptional basis; and a fairer approach to legal assistance and fees regardless of the nature of the matter.

“However, as we made clear to the Committee, while we think additional refinements can be made, the Bills represent a positive step forward and we do not seek to undermine or obstruct their passage.”

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.